IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2938 OF 2002

IN

SUIT NO.3475 OF 2002

Mr Majid Ahmed Oomerbhoy ... Plaintiff

v/s

Mr Ibrahim Abdul Karim Motiwalla and anr. ... Defendants

Mr M.M. Vashi i/b Mr B.M. Raikar for Plaintiff.

None for Defendants.

CORAM : D.K.DESHMUKH J.

DATE : 13TH AUGUST 2004

P.C.: -

1. This is a notice of motion taken out by the plaintiff. The learned counsel appearing for plaintiff states that the defendant No.1 has ben served, he undertakes to file affidavit of service within one week from today. He states that the defendant No.2 has filed an affidavit. The interim reliefs are claimed against the defendant No.1. The defendant No.1 is not appearing though served. There is no affidavit in reply filed by the defendants. In the absence of reply, accepting the averments made in the plaint and the affidavit in support of the motion, motion is granted in terms of prayer clauses (a), (b) excluding the bracketed portion, (d) and (e). Notice of motion is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.